



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Fourteenth Meeting Day

Tuesday Afternoon

February 5, 2008

The House convened at 1:30 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2008).

The Pledge of Allegiance to the Flag was led by Representative Phyllis J. Pond.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle
Avery	Hoy
Bardon	Kersey
Bartlett	Klinker
Battles	Knollman
Behning	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy ☐
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum ☐
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson
Dermody	Ripley
Dobis	Robertson
Dodge	Ruppel
Duncan	Saunders ☐
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Stutzman ☐
Goodin	Summers
Grubb	Thomas ☐
Gutwein ☐	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner ☐

Tyler
Ulmer ☐
VanDenburgh
VanHaften

Walorski ☐
Welch
Wolkins
Mr. Speaker

Roll Call 166: 91 present; 9 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The Speaker announced the death of former Representative Richard Mangus and that the House would be acting on a resolution of condolence next week.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 7, 2008, at 10:00 a.m.

RESKE

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 10 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

SB 1 — Crawford, Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 13 — Welch, Turner

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 14 — Battles, Thompson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 15 — Crawford, Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 16 — Welch, Espich, GiaQuinta

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 17 — Crawford, Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning redevelopment.

SB 18 — Crawford, Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 19 — Austin, Thompson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 20 — Crawford, Espich, E. Harris, Turner

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 21 — Crawford, Hinkle

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 223 — Stilwell, Crooks, Lutz

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 262 — Battles, Borders, Avery

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 331 — Fry, Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

SJR 1 — Crawford, Espich, Welch, Turner

Committee on Ways and Means

A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Constitution of the State of Indiana concerning taxation.

*Be it resolved by the General Assembly
of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) **Subject to this section**, the General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal.

(b) **A provision of this section permitting the General Assembly to exempt property from taxation also permits the General Assembly to exercise its legislative power to enact property tax deductions and credits for the property. The**

General Assembly may impose reasonable filing requirements for an exemption, deduction, or credit.

(c) The General Assembly may exempt from property taxation any property in any of the following classes:

(1) Property being used for municipal, educational, literary, scientific, religious, or charitable purposes.

(2) Tangible personal property other than property being held as an investment.

(3) Intangible personal property.

(4) Tangible ~~real~~ property, including curtilage, used as a principal place of residence by an:

(A) owner of the property;

(B) individual who is buying the tangible ~~real~~ property under a contract; or

(C) individual who has a beneficial interest in the owner of the tangible ~~real~~ property.

(~~b~~) (d) The General Assembly may exempt any motor vehicles, mobile homes (**not otherwise exempt under subsection (c)(4) or (e)**), airplanes, boats, trailers, or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

(e) **The following definitions apply to subsection (f):**

(1) "Other residential property" means tangible property (other than tangible property described in subsection (c)(4)) that is used for residential purposes.

(2) "Nonresidential real property" means real property that is not tangible property described in subsection (c)(4) and is not other residential property.

(f) The General Assembly shall, by law, limit a taxpayer's property tax liability as follows:

(1) A taxpayer's property tax liability on tangible property described in subsection (c)(4) may not exceed one percent (1%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(2) A taxpayer's property tax liability on other residential property may not exceed two percent (2%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(3) A taxpayer's property tax liability on nonresidential real property may not exceed three percent (3%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(4) A taxpayer's property tax liability on personal property (other than personal property that is tangible property described in subsection (c)(4) or personal property that is other residential property) may not exceed three percent (3%) of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district.

(g) **Property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the limits to property tax liability under subsection (f).**

SJR 3 — Crawford, Espich

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Articles 8 and 10 of the Constitution of the State of Indiana concerning taxation.

*Be it resolved by the General Assembly
of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such Seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the twenty eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same.

Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.

SECTION 3. ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: Section 9. (a) Except as provided in subsection (b), property may not be taxed for general fund purposes of common schools or for other general operating purposes of common schools.

(b) Property taxes that are approved by the voters may be imposed for the general fund purposes of common schools or for other general operating purposes of common schools.

(c) For purposes of this section, general fund purposes or general operating purposes do not include any of the following:

- (1) Transportation costs, including bus and vehicle replacement costs.
- (2) Capital project costs.
- (3) Debts related to capital projects.
- (4) Debts related to employee retirement or severance liability.
- (5) Special education preschool costs.
- (6) Costs attributable to programs for improving or maintaining racial balance in a school corporation.
- (7) Other purposes that:
 - (A) are specified by the general assembly; and
 - (B) are not general operating purposes.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, after line 12, begin a new paragraph and insert:

"SECTION 2. IC 35-38-2.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) A sentencing court in one (1) county may not place an offender who resides in a different another county on home detention unless in the other county except as follows:

- (1) If the offender is eligible for home detention in the county in which the person resides; and resides in a county adjacent to the county in which the sentencing court is located, supervision of the offender must be conducted by the probation department or community corrections program located in the county in which the sentencing court is located.

(2) If the offender resides in a county that is not adjacent to the county in which the sentencing court is located:

(A) the offender must be eligible for home detention in the county in which the offender resides; and

(B) supervision of the offender will must be conducted by the probation department or community corrections program located in the county in which the offender resides.

(b) If an offender is:

(1) currently serving home detention in a county that operates a home detention program; and

(2) being supervised by a probation department or community corrections program located in a different county;

the court shall order that supervision of the offender be transferred to the probation department or community corrections program located in the county where the offender resides.

(c) (b) All home detention fees described in section 8 of this chapter shall be collected by the probation department or community corrections program that supervises the offender.

(c) A probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision."

(Reference is to SB 139 as printed January 11, 2008.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

L. LAWSON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 18

Representatives Bardon, Hinkle, Bartlett, Behning, Bosma, Buell, Crawford, Day, Elrod, Frizzell, Nays, Murphy, Noe, Orentlicher, Porter, and Summers introduced House Resolution 18:

A HOUSE RESOLUTION to honor James "Jimmy" Richardson on the occasion of his retirement from the staff of the House of Representatives.

Whereas, Jimmy has worked for many years in the House of Representatives, and is retiring from his duties as doorkeeper on Friday, February 8, 2008;

Whereas, Jimmy has served the state legislature in various capacities and has placed his name on the ballot for elected office, unselfishly offering his services to the people of Indiana;

Whereas, Jimmy married his wife Margaret Stevens Richardson on April 12, 1941, in Boston, Massachusetts and they have been married for 66 years; Jimmy and Margaret have two sons, six grandchildren and two great grandchildren;

Whereas, Jimmy is a brave veteran as he served his country by fighting in the South Pacific during World War II;

Whereas, Jimmy worked many years in the railroad industry along with the pest control industry, and upon retirement he worked in various capacities for several community organizations; and

Whereas, Jimmy has been an outstanding citizen of Indiana and has been a distinguished servant in whatever capacity he has worked in: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates James "Jimmy" Richardson on his retirement from the House of Representatives, and appreciates his years of service given to this legislative body.

SECTION 2. That the Principal Clerk of the House shall transmit a copy of this resolution to James “Jimmy” Richardson.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER’S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1297.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stilwell and Burton be added as cosponsors of Engrossed Senate Bill 51.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Knollman be added as cosponsor of Engrossed Senate Bill 91.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 257.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be removed as sponsor of Engrossed Senate Bill 329, Representative L. Lawson be substituted as sponsor.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehe be added as cosponsor of Engrossed Senate Bill 360.

GRUBB

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative McClain, the House adjourned at 2:05 p.m., this fifth day of February, 2008, until Thursday, February 7, 2008, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives